



## City of Seattle Legislative Information Service

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**Council Bill Number: 114626**

**Ordinance Number: 121230**

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AN ORDINANCE relating to additional regular property taxes for firefighting, life-safety and other emergency responses; providing for the submission to the voters of the City, at an election to be held therein on November 4, 2003, in conjunction with the state general election to be held on the same date, of a proposition authorizing the City to levy additional regular property taxes in excess of the limitation on levies in Chapter 84.55 RCW for the purpose of paying all or a part of the cost of neighborhood stations, support facilities, marine apparatus, emergency preparedness improvements and other emergency response facilities; providing for interim financing pending tax receipts; and creating a levy oversight committee.

**Date introduced/referred:** Jul 7, 2003

**Date passed:** Jul 21, 2003

**Status:** Passed as Amended

**Vote:** 9-0

**Date of Mayor's signature:** Jul 29, 2003

**Committee:** Committee of the Whole

**Sponsor:** COMPTON AND DRAGO

**Index Terms:** FIRE-APPARATUS, FIRE-DEPARTMENT, FIRE-STATIONS, TAXES, PROPERTY-TAXES, BONDS, FIREBOATS, FACILITIES, ELECTIONS

**References/Related Documents:** Related: CB 114627

**Note:** Known as: Fire Facilities Levy

### Text

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WHEREAS, the City of Seattle, Washington (the "City"), owns many critical facilities that house fire engine companies, ladder

companies, and emergency medical services and other specialty units to mitigate loss of life and property resulting from fires, medical emergencies, and other disasters; and

WHEREAS, the City operates 33 fire stations, built between 1928 and 1977; and

WHEREAS, the City generally maintains fire and other emergency facilities in satisfactory operating condition, but has not significantly upgraded, expanded, or modernized those facilities since the voter-approved 1-2-3 Bond program of 1984; and

WHEREAS, fire and other emergency service delivery has evolved over the last 20 years in response to national professional standards, legal mandates, and newly recognized risks from terrorism and hazardous materials; and

WHEREAS, the Loma Prieta earthquake in California on October 17, 1989, the Northridge earthquake in California on January 17, 1994, the Kobe earthquake in Japan on January 15, 1995, and the Nisqually Earthquake in Seattle on February 28, 2001 highlighted the potential for seismic damage in Seattle and the need for the City to continue to prepare for future earthquakes and to reevaluate the structural conditions of essential public safety facilities; and

WHEREAS, since 1996 various studies identified significant seismic vulnerabilities at 32 of the City's 33 fire stations, culminating in a study completed in 2003 that produced a range of options for fire facility improvements; and

WHEREAS, marina fires in 2001 and 2002 highlighted the shortcomings of the City's current firefighting capacity and response times on both fresh and salt water; and

WHEREAS, the fire boat Chief Seattle, in operation since 1986, requires significant renovation work to remain in service for the next 25 years and the fire boat Alki, in operation since 1928, is of advanced age and limited firefighting capacity; and

WHEREAS, the City's existing emergency operations center, which is critical to the coordination of emergency services in response to natural and manmade disasters, is housed in a facility that is seismically vulnerable, too small for modern operations, and exposed to various natural and manmade hazards; and

WHEREAS, staff from the Fleets and Facilities Department, Seattle Fire Department and Department of Finance, under the direction of a client group that included department heads from those departments and representatives from the Mayor's office and City Council, developed detailed programming and feasibility analyses for fire operations and facilities requirements; and

WHEREAS, in Resolution 30121 the City stated its policy that new City construction and major remodels over 5,000 gross square feet of occupied space be sustainable, and established the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Silver rating as the minimum standard for sustainability; and

WHEREAS, the Mayor and City Council wish to propose to voters that a comprehensive program of improvements to firefighting, life-safety,



and other emergency response facilities be funded through the levy of additional regular property taxes as set forth in this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Definitions. As used in this ordinance, the following words shall have the following meanings:

"Levy Plan" means designing, constructing, acquiring, improving, renovating, and equipping capital improvement projects that show entries for "Levy Proceeds Allocations" in Attachment A, with any modifications and additions that may be authorized as permitted by this ordinance, for providing firefighting, life-safety, and other emergency response services designed to address seismic vulnerabilities, replace aging assets, and respond to new national professional standards, legal mandates, and newly recognized risks from terrorism and hazardous materials. In addition to the Levy Plan, if the voters approve the funding proposition submitted to them pursuant to this ordinance, the City intends to use other existing or projected revenue sources to pay for the projects that show entries only for "Other City Funding Sources" in Attachment A. Some or all of these additional projects may be eliminated if expected revenues are not available.

"Levy Proceeds" means the additional taxes collected pursuant to the authority granted by the voters under this ordinance and, if the City issues bonds, notes, or other evidences of indebtedness payable wholly or in part from the additional taxes authorized under this ordinance, as permitted by Section 6 of this ordinance, then Levy Proceeds also includes the proceeds of those bonds, notes, or other evidences of indebtedness.

"Neighborhood Stations" includes structures that are designed to house or moor one or more firefighting or emergency services vehicles, vessels, or other apparatus, and which may include facilities in or associated with those structures to accommodate the needs of firefighters and other emergency services personnel.

"Support Facilities" includes facilities to house operations, training, and other administrative and regulatory functions such as but not limited to monitoring fire alarms and fire code compliance and investigating fires, and also includes costs of issuing bonds, notes, or other evidences of indebtedness.

"Emergency Preparedness" includes improvements designed to reduce or mitigate vulnerabilities to disasters or to facilitate emergency responses such as but not limited to hardening hydrants and other facilities for supplying water for firefighting, improving power supplies to emergency shelters, establishing a new emergency operations center, and creating and equipping caches of emergency supplies.

"Marine" includes acquisition, construction, or rehabilitation of one or more fireboats or other vessels for firefighting or other emergency response.

Section 2. Levy of Additional Regular Property Taxes - Submittal.

The City hereby submits to the qualified electors of the City a

proposition as authorized by RCW 84.55.050 to exceed the levy limitation on regular property taxes contained in RCW 84.55.010 for property taxes levied in 2003 through 2011 for collection in 2004 through 2012, respectively, for the sole purpose of raising up to \$167,200,000 in aggregate over a period of up to nine (9) years for firefighting, life-safety and other emergency response facilities. The proposition shall be limited so that the City shall not levy more than Twenty Five Million Dollars (\$25,000,000) in the first year, in addition to the maximum amount of regular property taxes it could have levied consistent with Chapter 84.55 RCW in the absence of this ordinance. Pursuant to RCW 84.55.050(4), the maximum regular property taxes that may be levied in 2012 for collection in 2013 and in later years shall be computed as if the limit on regular property taxes had not been increased under this ordinance.

### Section 3. Use of Levy Proceeds.

A. The Levy Proceeds shall be allocated to the following four categories: Neighborhood Stations, Support Facilities, Emergency Preparedness, and Marine. Total funding from Levy Proceeds for each category shall not exceed the respective amounts identified in the following table unless the City in an ordinance passed by a two-thirds (2/3) vote of the City Council determines to change the allocation of Levy Proceeds after the Council or a committee holds a public hearing and after the Council considers any recommendation that may have been made by the Mayor or by the oversight committee established in Section 7:

Categories	Anticipated Allocation of Levy Proceeds
Neighborhood Stations	\$106,620,000
Support Facilities	\$30,258,000
Emergency Preparedness	\$18,698,000
Marine	\$11,624,000
Total	\$167,200,000

B. Specific projects on which Levy Proceeds may be spent within each of the categories, with the estimated amount of Levy Proceeds to be devoted to each project, are shown in the "Levy Proceeds Allocations" column in Attachment A. Total expenditure of Levy Proceeds on each project shall not exceed the amount of Levy Proceeds shown for that project in Attachment A by more than ten percent unless the City Council approves the additional expenditure by ordinance after the Council or a committee holds a public hearing.

C. Each year by the end of August, the Fleets and Facilities Department or its functional successor (the "Department") shall submit to the City Council a report on spending to date of the Levy Proceeds and any interest earnings thereon, and a proposed spending plan allocating expected Levy Proceeds and any interest earnings among the categories and projects for the upcoming budget year, the remaining years in which additional taxes may be collected under this ordinance, and any additional years in which the Department plans to spend Levy Proceeds.

D. The City will design and build the following so they are reasonably anticipated to meet at least the current LEED Silver rating, subject to the appropriation of sufficient funds to accomplish that rating while reasonably meeting other design objectives for each facility:



(i) All of the projects in the Neighborhood Stations category that include rebuilding or fully remodeling stations (these are presently anticipated to be Stations 2, 6, 9, 10, 14, 17, 20, 21, 22, 28, 30, 32, 35, 37, 38, 39, 41);

(ii) The projects in the Support Facilities category; and

(iii) The Emergency Operations Center project in the Emergency Preparedness category.

#### Section 4. Alterations and Additions to Levy Plan.

A. Projects to be funded to any extent from Levy Proceeds that are available for any reason may be added to a category only if the City by an ordinance passed by a two-thirds (2/3) vote of the City Council so authorizes after the Council or a committee holds a public hearing and after the Council considers any recommendation that may have been made by the Mayor or by the oversight committee established in Section 7.

B. The City intends to complete all projects shown in Attachment A using Levy Proceeds and other funds that may become available. If, however, the City determines in an ordinance passed by a two-thirds (2/3) vote of the City Council, after the Council or a committee holds a public hearing and after the Council considers any recommendation that may have been made by the Mayor or by the oversight committee established in Section 7, that it is impractical or no longer desirable to complete a project, that project may be deleted.

C. The City may seek supplemental, matching or additional funds from other sources to pay all or part of the cost of a project and, if successful, may apply such funds, in lieu of or in addition to Levy Proceeds, to accomplishment thereof or to complement or enlarge a project or to reduce the amount of additional taxes levied under the authority of this ordinance.

Section 5. Deposit of Levy Proceeds. The proceeds of additional taxes authorized under this ordinance and the proceeds of any bonds, notes, or other evidences of indebtedness issued as permitted by Section 6 of this ordinance shall each be deposited into a separate subfund or other accounting unit in the City Treasury referred to, in the case of the tax proceeds, as the 2003 Fire Facilities Fund (the "Fund") or such other designation as the Director of Executive Administration shall determine. Money in the Fund may be temporarily deposited or invested in such manner as may be lawful for the investment of City money, and interest and other earnings shall be deposited in the Fund. The Levy Proceeds shall be applied solely to carry out the Levy Plan but if the City issues bonds, notes, or other evidences of indebtedness as permitted by Section 6 of this ordinance, the additional taxes authorized under this ordinance may be used to pay debt service and costs of that debt as permitted in Section 6. The Director of Executive Administration is authorized to create other subfunds or accounts as may be needed to implement the purposes of this ordinance.

Section 6. Bond and Notes. To the extent permitted by applicable law the City may issue bonds, notes, or other evidences of indebtedness payable wholly or in part from the additional taxes authorized under this ordinance, and may pledge and may apply such taxes to the payment of principal of, interest on, and premium (if any) on such bonds,



notes, or other evidences of indebtedness and to the payment of costs associated with them.

#### Section 7. Oversight Committee.

A. If the voters of the City approve the proposition submitted to them pursuant to this ordinance, the Fire Facilities Oversight Committee ("FFOC") is hereby established. The FFOC shall have the authority to provide policy direction and technical advice on implementation of particular projects, including but not limited to issues such as construction staging, design, site selection, and contracting approaches; to review the expenditure of Levy Proceeds; and to advise upon expenditures and allocations of Levy Proceeds. Input from the FFOC is not a condition precedent to City action on any Levy Plan matter. The City Council shall not be bound by the recommendations or advice of the FFOC or its members. The FFOC will meet quarterly with the Fleets and Facilities Director or his or her designee, beginning in the calendar quarter following the successful passage of the ballot measure submitted to the voters pursuant to this ordinance, unless that schedule is changed by a majority of the FFOC.

B. The FFOC shall consist of six (6) members. One shall be a "Seattle resident" with financial or relevant technical expertise who shall be selected by the City Council; two shall be members of the City Council selected by the City Council; two shall be City employees selected by the Mayor; and one shall be selected by and from the uniformed Seattle fire fighters below the rank of Battalion Chief ("eligible fire fighters"). If the eligible fire fighters have not selected an eligible fire fighter to serve on the FFOC by February 1, 2004, then the City Council president shall select this member from among eligible fire fighters. Members shall be selected for the duration of the Levy Plan. The "Seattle resident" member shall be subject to removal by the City Council for being absent without good cause from two (2) consecutive meetings or for moving his or her residence from Seattle, or for other cause. Others shall cease to be members if they no longer belong to the group from which selected. Vacancies shall be filled by the original selecting authority, provided that if a vacancy for the member who is an eligible fire fighter is not filled within 60 days, then the City Council president shall fill the vacancy from among eligible fire fighters. Members shall serve without pay but, at the option of the Director of Fleets and Facilities, the "Seattle resident" member may be reimbursed his or her expenses from Levy Proceeds, including payments for child care while attending meetings. The FFOC may adopt rules for its own procedures, including quorum requirements and the frequency of meetings. Meetings of the FFOC will be open to the public unless, had the FFOC been subject to chapter 42.30 RCW, that law would not have required that the meeting or portion of the meeting be open to the public.

Section 8. Election - Ballot Title. The City Council finds that an emergency exists that requires proposing the Levy Plan and requests that the Director of Records and Elections of King County, Washington, as ex officio Supervisor of Elections, find the existence of an emergency pursuant to RCW 29.13.020 and call and conduct a special election in the City in conjunction with the state general election to be held on November 4, 2003, for the purpose of submitting to the qualified electors of the City the proposition set forth below. The City Clerk is hereby authorized and directed to certify the proposition to the King County Director of Records and Elections in

the following form:

THE CITY OF SEATTLE

PROPOSITION NUMBER \_\_\_\_\_

FIRE FACILITIES AND EMERGENCY RESPONSE LEVY

The City of Seattle's Proposition \_\_ concerns a levy for fire stations and other emergency response facilities.

If approved, this proposition would authorize Seattle to replace, remodel, expand, equip, or seismically strengthen fire stations, build new emergency response and training facilities, and acquire and remodel fire boats. It would lift the RCW 84.55 limit on regular property taxes, allowing \$167,200,000 additional taxes over nine years, according to Ordinance \_\_\_\_\_. Up to \$25,000,000 could be collected in 2004. The 2004 total regular tax limit would be \$3.71/\$1,000 assessed value, including approximately \$0.31 additional taxes.

Should this levy lid lift be approved?

Levy, Yes (

Levy, No (

Section 9. For purposes of receiving notice of the exact language of the ballot title required by RCW 29.27.0665, the City hereby designates the City Clerk as the individual to whom the Director of Records and Elections of King County, Washington, shall provide such notice.

Section 10. Any actions of officers or employees of the City or other governmental agencies prior to the effective date of this ordinance and consistent with its provisions, are hereby ratified and confirmed.

Section 11. This ordinance shall take effect and be in force immediately upon its approval by the Mayor or, if not approved and returned by the Mayor within ten (10) days after presentation, then on the eleventh (11th) day after its presentation to the Mayor or, if vetoed by the Mayor, then immediately upon its passage over his veto.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2003, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
City Clerk

Attachment A: Levy Plan Projects by Category and Anticipated Allocation of Levy Proceeds, and Additional Projects

July 20, 2003



version #6  
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Attachment A - Levy Plan Projects by Category and Anticipated Allocation of  
Levy Proceeds, and Additional Projects

Levy Proceeds Allocations	Other City Funding Sources
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Neighborhood Station Category

Expansions and Rehabs

Land for Station Projects	\$11,852,000	\$5,000,000
Fire Station 2	\$5,635,000	\$1,740,000
Fire Station 6	\$5,557,000	\$0
Fire Station 9	\$4,352,000	\$0
Fire Station 10	\$13,805,000	\$0
Fire Station 14	\$5,794,000	\$0
Fire Station 17	\$3,514,000	\$589,000
Fire Station 20	\$2,250,000	\$2,050,000
Fire Station 21	\$3,968,000	\$0
Fire Station 22	\$4,853,000	\$0
Fire Station 28	\$5,373,000	\$901,000
Fire Station 30	\$3,951,000	\$0
Fire Station 31	\$2,122,000	\$0
Fire Station 32	\$7,462,000	\$0
Fire Station 35	\$4,218,000	\$0
Fire Station 37	\$3,979,000	\$0
Fire Station 38	\$3,979,000	\$0
Fire Station 39	\$5,758,000	\$0
Fire Station 41	\$0	\$2,119,000
Fire Station 8	\$1,451,000	\$0
Fire Station 11	\$0	\$1,378,000
Fire Station 13	\$0	\$735,000
Fire Station 16	\$0	\$922,000
Fire Station 18	\$1,013,000	\$0
Fire Station 24	\$1,210,000	\$0
Fire Station 25	\$1,260,000	\$0
Fire Station 26	\$1,073,000	\$0
Fire Station 27	\$0	\$1,057,000
Fire Station 29	\$0	\$1,110,000
Fire Station 33	\$0	\$1,082,000
Fire Station 34	\$0	\$1,006,000
Fire Station 36	\$974,000	\$351,000
Fire Station 40	\$1,217,000	\$0
Neighborhood Station Category Total	\$106,620,000	\$20,040,000

Support Facilities Category

Fire Alarm Center	\$12,258,000	\$0
Joint Training Facility Project	\$18,000,000	\$5,900,000
Support Facilities Category - Total	\$30,258,000	\$5,900,000
Emergency Preparedness Category		
Emergency Operations Center Project	\$16,638,000	\$0
Emergency Fire Suppression Water Supply Project	\$820,000	\$0
Emergency Community Disaster Supplies Project	\$760,000	\$0
Emergency Community Shelters Power Supply Project	\$480,000	\$0
Emergency Preparedness Category - Total	\$18,698,000	\$0



Marine Category

New Large-Platform Firefighting Marine Apparatus Project	\$8,924,000	\$2,500,000
Rehabbed Chief Seattle Marine Apparatus Project	\$2,700,000	\$0
Fast Attack Boat Marine Apparatus Project	\$0	\$1,250,000
Marine Category - Total	\$11,624,000	\$3,750,000
All Categories - Total	\$167,200,000	\$29,690,000

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